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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Elsia Michelle Greer,
10 Plaintiff,

11 v.

12 Federal Bureau of Prisons, Behavioral
13 Systems Southwest Incorporated, Steven
14 Doran, and David Brue,
15 Defendants.

No. CV-17-02034-PHX-DLR

ORDER

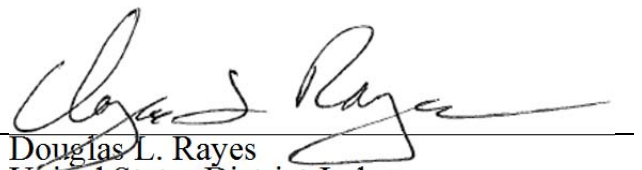
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17 Before the Court is Plaintiff Elsia Michelle Greer's complaint and United States
18 Magistrate Judge Eileen S. Willet's Report and Recommendation ("R&R"). (Docs. 1, 6.)
19 The R&R recommends that the Court dismiss the action without prejudice for failure to
20 timely serve Defendant Brue in accordance with Federal Rule of Civil Procedure 4(m).
21 The R&R states that the Court directed service of Defendant and ordered Plaintiff
22 complete and return a service packet to the Clerk of Court within twenty-one days of its
23 order. Plaintiff failed to do so. As part of this order, the Court warned Plaintiff that
24 failure to timely serve Defendant may result in dismissal of the action. Subsequently, the
25 Court issued an order directing Plaintiff to show cause why this action should not be
26 dismissed without prejudice for failure to timely serve. Plaintiff failed to respond.

27 Thereafter, the Magistrate Judge advised the parties that they had fourteen days to
28 file objections to the R&R and that failure to file timely objections could be considered a

1 waiver of the right to obtain review of the R&R. *See United States v. Reyna-Tapia*, 328
2 F.3d 1114, 1121 (9th Cir. 2003). Plaintiff did not file objections, which relieves the
3 Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas*
4 *v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at
5 all . . . of any issue that is not the subject of an objection.”); Fed. R. Civ. P. 72(b)(3)
6 (“The district judge must determine de novo any part of the magistrate judge’s
7 disposition that has been properly objected to.”). The Court has nonetheless reviewed the
8 R&R and finds that it is well-taken. The Court will accept the R&R and dismiss the
9 complaint without prejudice for failure to timely effect service. *See* 28 U.S.C. §
10 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole or in
11 part, the findings or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3)
12 (“The district judge may accept, reject, or modify the recommended disposition; receive
13 further evidence; or return the matter to the magistrate judge with instructions.”).

14 **IT IS ORDERED** that Magistrate Judge Willett’s R&R (Doc. 6) is **ACCEPTED**.
15 Plaintiff’s complaint (Doc. 1) is **DISMISSED** without prejudice. The Clerk of the Court
16 shall terminate this case.

17 Dated this 14th day of February, 2018.

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22 Douglas L. Rayes
23 United States District Judge
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